

FAX TRANSMISSION**DATE:** September 28, 2004**PTO IDENTIFIER:** Application Number 09/604231-Conf. #4162
Patent Number**Inventor:** Markus POMPEJUS et al.**MESSAGE TO:** US Patent and Trademark Office**ATTN:** Examiner Maryam Monshipouri**FAX NUMBER:** (571) 273-0932**FROM:** LAHIVE & COCKFIELD, LLP

Lisa M. DiRocco

PHONE: (617) 227-7400**Attorney Dkt. #:** BGI-122CPRCE**PAGES (Including Cover Sheet):** 16

Pursuant to your request, transmitted herewith is a resubmission of the RCE and Amendment and Response originally filed on December 23, 2004 in connection with the above-identified application. Should you have any questions or comments, please do not hesitate to contact us

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1. Copy of Request for Continued Examination filed on 12/23/03 (1 page)
2. Copy of Amendment and Response filed on 12/23/03 (8 pages)
3. Copy of Petition for Five-Month Extension of Time (1 page) as filed on 12/23/03
4. Copy of Fee Transmittal (1 page) in duplicate as filed on 12/23/03
5. Copy of Return Receipt Postcard as filed on 12/23/03
6. Copy of Express Mail Label as mailed on 12/23/03

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LAHIVE & COCKFIELD, LLP
28 State Street, Boston, Massachusetts 02109
Telephone: (617) 227-7400 **Facsimile:** (617) 742-4214

COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the application of: Markus Pompejus *et al.*

Group Art Unit: 1652

Serial No.: RCE of 09/604,231

Examiner: M. Monshipouri

Filed: June 27, 2000

For: *Corynebacterium Glutamicum* Genes Encoding
Phosphoenolpyruvate: Sugar Phosphotransferase
System Proteins

Attorney Docket No.: BGI-122CPRCE

MS RCE**Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450**

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

Lisa M. DiRocco, Esq.

Please Print Name of Person Signing

AMENDMENT AND RESPONSE

Dear Sir:

Applicant submits herewith a Request for Continued Examination Under 37 CFR §1.114 and a separate petition for the appropriate extension of time. This is in response to the Office Action mailed November 26, 2002 (Paper No. 12) in parent application serial no. 09/604,231. Please amend the application as follows:

RCE of USSN 09/604,231

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Art. 152
COPY

Amendments to the claims begin on page 3 of this paper.

Remarks begin on page 6 of this paper.